

COURT OF APPEAL OF LOUISIANA, FIRST CIRCUIT

Janney v. Pearce

40 So. 3d 285 (1st Cir. 2010) · No. 2009 CA 2103 · Decided May 7, 2010

SUMMARY

The Louisiana First Circuit Court of Appeal reviewed a partial summary judgment dismissing the surviving children's wrongful-death claims against Dr. Katherine Pearce. The court held that disputed issues of material fact and credibility concerning the applicable medical standard of care and causation made summary judgment inappropriate. The judgment was reversed and the matter was remanded for further proceedings.

CASE DETAILS

COURT	Court of Appeal of Louisiana, First Circuit
WRITING FOR THE COURT	Pettigrew, J.; Carter, C.J.; Guidry, J.
JURISDICTION	Louisiana
DECIDED	May 7, 2010
DOCKET	2009 CA 2103
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Plaintiffs appealed a judgment granting defendant partial summary judgment and dismissing their wrongful-death claims with prejudice.
STANDARD OF REVIEW	Summary judgment is reviewed de novo under the same criteria governing the trial court. The reviewing court determines whether a genuine issue of material fact exists and whether the mover is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Mae Mason Janney, Sandra Mason Chamberlain, Teresia Mason Babin, Diane Mason Thompson, Penny Mason Bryant, Gary Mason, Clifton Mason, Robert Mason, Kerry Mason, Surviving Children of Maggie Lois Mason v. Dr. Katherine Pearce

TOPICS

- summary judgment
- medical malpractice
- wrongful death
- standard of review
- civil procedure

PRACTICE AREAS

medical malpractice

civil procedure

appellate procedure

wrongful death

QUESTIONS PRESENTED

1. Whether the trial court improperly granted partial summary judgment on the wrongful-death claims by weighing conflicting evidence and making credibility determinations.
2. Whether the record contained genuine issues of material fact concerning whether Dr. Pearce breached the applicable medical standard of care and whether that breach caused Mason's death.

HOLDINGS

1. Summary judgment was inappropriate because the evidence raised genuine issues of material fact concerning the alleged medical negligence and causation, and the trial court improperly weighed evidence and made credibility determinations.
2. The issues of breach of the applicable medical standard of care and causation could not be resolved on summary judgment where conflicting expert and factual evidence created genuine disputes requiring determination by the trier of fact.

KEY QUOTATIONS

“The trial court erred in granting partial summary judgment in favor of Dr. Pearce because doing so required the trial court to decide disputed genuine issues of material fact and to make credibility determinations, both of which should have been reserved to the trier of fact.” (40 So. 3d at 293)

“Summary judgment was inappropriate.” (40 So. 3d at 293)

FACTUAL BACKGROUND

Maggie Lois Mason fell from her bed, struck her head, developed severe headaches and a black eye, and later presented to Dr. Katherine Pearce while taking Coumadin. Dr. Pearce diagnosed sinusitis, prescribed medication, administered DepoMedrol, and did not order neuroimaging; Mason was subsequently found unconscious with a large subdural hematoma and died the next morning. Plaintiffs' expert opined that Dr. Pearce breached the applicable standard of care by failing to investigate possible intracranial bleeding and that the failure was a proximate cause of Mason's death.

PROCEDURAL HISTORY

Plaintiffs filed a medical-malpractice complaint with the Patients' Compensation Fund and later sued Dr. Pearce for wrongful death and survival damages after a medical review panel found no breach of the standard of care. The trial court granted Dr. Pearce's motion for partial summary judgment and dismissed the wrongful-death claims with prejudice. The Louisiana First Circuit reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand for further proceedings consistent with the opinion; the wrongful-death claims may not be resolved by summary judgment through weighing evidence or making credibility determinations.

CASES CITED

- *Gonzales v. Kissner*, 24 So. 3d 214, 217 (La. Ct. App. 1st Cir. 2009)
- *Aucoin v. Rochel*, 5 So. 3d 197, 200 (La. Ct. App. 1st Cir. 2008), writ denied, 5 So. 3d 143 (La. 2009)
- *Robles v. ExxonMobile*, 844 So. 2d 339, 341 (La. Ct. App. 1st Cir. 2003)
- *Boudreaux v. Vankerkhove*, 993 So. 2d 725, 729-730 (La. Ct. App. 1st Cir. 2008)
- *Ernest v. Petroleum Service Corp.*, 868 So. 2d 96, 97 (La. Ct. App. 1st Cir. 2003), writ denied, 866 So. 2d 830 (La. 2004)
- *Guardia v. Lakeview Regional Medical Center*, 13 So. 3d 625, 628 (La. Ct. App. 1st Cir. 2009)
- *Monterrey Center, LLC v. Education Partners, Inc.*, 5 So. 3d 225, 232 (La. Ct. App. 1st Cir. 2008)
- *Independent Fire Ins. Co. v. Sunbeam Corp.*, 755 So. 2d 226, 236 (La. 2000)
- *Willis v. Medders*, 775 So. 2d 1049, 1050 (La. 2000)
- *Smith v. Our Lady of the Lake Hosp., Inc.*, 639 So. 2d 730, 751 (La. 1994)
- *Pfiffner v. Correa*, 643 So. 2d 1228, 1233-1234 (La. 1994)
- *Lefort v. Venable*, 676 So. 2d 218, 220 (La. Ct. App. 1st Cir. 1996)
- *Williams v. Metro Home Health Care Agency, Inc.*, 817 So. 2d 1224, 1228 (La. Ct. App. 4th Cir. 2002)
- *Lee v. Wall*, 726 So. 2d 1044, 1046-1047 (La. Ct. App. 2d Cir. 1999)